

Emergency Rules  
Of the  
Department of Environment and Conservation – 1200  
Division of Superfund

Chapter 1200-1-19  
Standards for Testing and Cleaning Clandestine Drug Manufacturing Sites

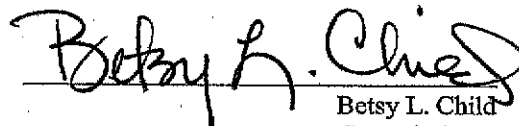
Statement of Necessity Requiring Emergency Rules

Pursuant to T.C. A. 4-5-208, I am promulgating emergency rules providing standards for testing and cleaning clandestine drug manufacturing sites. The emergency rules are necessary because of Chapter 855 of the Public Acts of 2004.

I have made a finding that there is an emergency creating an immediate danger to public health, safety and/or welfare in that there is not a standard to identify when a property is safe for human use after being contaminated from the clandestine drug manufacturing process. Further, the nature of this danger is such that any other form of rulemaking would not adequately protect the public. Over 500 clandestine methamphetamine manufacturing sites were identified by law enforcement agencies in 2003. Clandestine methamphetamine manufacturing sites use and generate many chemicals including iodine, red and yellow phosphorus, hydrochloric acid, freon, ether, benzene, ammonia, methanol, acetone, acetic acid, aluminum, chloroform, hydriodic acid, lithium, hydrogen peroxide, methylamine, methyl ethyl ketone, methylene chloride, naphtha, phosphoric acid, phosphine, sodium dichromate, caustic soda, sulfuric acid, sodium metal, and toluene. Infants, children, and adults are placed at risk during and after the manufacture of methamphetamine. Even after easily identifiable chemicals and residual wastes are removed, trace quantities of these substances and manufactured drugs remain.

This rule provides a professional certified by the commissioner with a basis for determining when a site used as a manufacturing site is safe for human use. Therefore, unless emergency rules establishing a standard for safe for human are adopted, there will be no standard for professional judgement. A qualified professional may be reluctant to assess a property without a standard for determination for whether it is safe for human use. Or if the determination is made unguided by certain standards, occupied sites will expose occupants to the uncertain judgment of each respective professional. Poorly cleaned properties will be placed into service at hotels, motels, rented homes, and private residences. Additionally, local law enforcement officials may be reluctant to quarantine property in absence of a standard so that an owner can remove the quarantine by clean up and testing. Further, local courts granted jurisdiction to remove quarantines placed on property which has been used in the manufacture of methamphetamines would lack guidance in legal proceedings for removal of quarantine, thus posing possible risks to public health, safety or welfare from decisions made without standards.

For additional information on proposed rules, contact: Jim Haynes, Director, Division of Superfund, Department of Environment and Conservation, 4<sup>th</sup> Floor, L&C Annex, 401 Church Street, Nashville, Tennessee, 37243-1538, 615-532-0227.



Betsy L. Child  
Commissioner

Department of Environment and Conservation  
State of Tennessee

Chapter 1200-1-19  
Standards for Testing and Cleaning Quarantined Clandestine Drug Manufacturing Sites

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1200-1-19-.01 Standards for Determining Living Space Safe for Human Use

- (1) Methamphetamine shall not exceed .1 microgram /100cm<sup>2</sup> on any hard surfaces.
- (2) Volatile Organic Compounds shall not exceed 1ppm in air as measured under normal inhabitable ventilation conditions.
- (3) If it is determined that lead or mercury were used in the lab process, the standard for cleanup of lead on any surface shall not exceed 40ug/ft<sup>2</sup>, and mercury shall not exceed 50 nanograms/m<sup>3</sup> for indoor air. Lead acetate and mercuric chloride are used in the Amalgam process that uses phenylpropanone (P2P). This process is not commonly used, but may occasionally be encountered.

1200-1-19-.02 Use of Qualified Professionals for Sampling and Cleanup

- (1) Samples shall be collected and interpreted by a professional certified by the Commissioner as being able to perform the services of an industrial hygienist. Any person holding a certification from the American Board of Industrial Hygienists as a Certified Industrial Hygienist is deemed certified by this rule as being able to perform these services. Other persons who have the qualifications as industrial hygienists under TCA § 62-40-101 may make a written request to the Commissioner to be included on the list of persons or entities entitled to perform the services of industrial hygienists for the purposes of these rules.
- (2) Clean up of properties shall be performed by a professional or company certified by the Commissioner as being able to perform the services of cleaning up sites used to manufacture methamphetamines. Any person holding a certification from the American Board of Industrial Hygienist as a Certified Industrial Hygienist is deemed certified by this rule as being able to perform clean up services at these sites. Other persons may make a written request to the Commissioner seeking certification to perform these services.

Authority: (Not currently codified) Public Chapter 855 of the Public Acts of 2004

Legal Contact and/or party who will approve final copy: Jim Haynes, Director

Department of Environment and Conservation, Division of Superfund  
401 Church Street, 4<sup>th</sup> Floor, L & C Annex  
Nashville, Tennessee 37243-1538

615-532-0227

Contact for disk acquisition: Jim Haynes, Director

Department of Environment and Conservation, Division of Superfund  
401 Church Street, 4<sup>th</sup> Floor, L & C Annex  
Nashville, Tennessee 37243-1538

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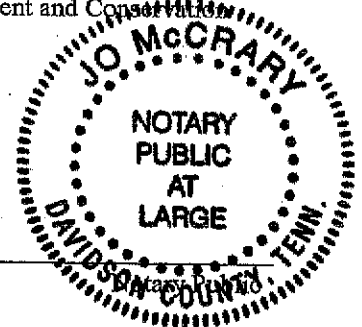
I certify that this is an accurate and complete copy of emergency rules lawfully promulgated and adopted by the Department of Environment and Conservation on the 18<sup>th</sup> day of August, 2004.

Betsy L. Child  
Betsy L. Child

Commissioner, Department of  
Environment and Conservation

Subscribed and sworn before me this the 18<sup>th</sup> day of August, 2004.

Jo McCrary



My Commission Expires MAY 24, 2008

All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers  
Paul G. Summers  
Attorney General and Reporter

The emergency rules set out herein were properly filed in the Department of State on the 18 day of Aug., 2004, and will be effective from the date of filing for a period of 165 days. These emergency rules will remain in effect through the day of 30 day of Jan., 2005.

Riley C. Darrell  
Riley C. Darrell  
Secretary of State

By: [Signature]

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